Inasmuch as no objection is pending at this time, the stay is lifted.

MAY - 7 2008

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JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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MULTIDISTRICT LITIGATION

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#10

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: CHOCOLATE CONFECTIONARY ANTITRUST LITIGATION MDL No. 1935

(SEE ATTACHED SCHEDULE)

U.S. DISTRICT COURT
FILED
MAY 13 2008
S.D. OF N.Y.

CONDITIONAL TRANSFER ORDER (CTO-1)

On April 7, 2008, the Panel transferred 15 civil actions to the United States District Court for the Middle District of Pennsylvania for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* ___F.Supp.2d__ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Christopher C. Conner.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Middle District of Pennsylvania and assigned to Judge Conner.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Middle District of Pennsylvania for the reasons stated in the order of April 7, 2008, and, with the consent of that court, assigned to the Honorable Christopher C. Conner.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Middle District of Pennsylvania. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Jeffery N. Lüthi
Clerk of the Panel

A CERTIFIED TRUE COPY

MAY - 7 2008

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

IN RE: CHOCOLATE CONFECTIONARY ANTITRUST LITIGATION MDL No. 1935

SCHEDULE CTO-1 - TAG-ALONG ACTIONS

DIST.	DIV.	C.A. #	CASE CAPTION
CALIFORNIA CENTRAL			
CAC	2	08-295	Marcy Linder v. The Hershey Co., et al.
CAC	2	08-319	Molly Wagman v. The Hershey Co., et al.
CAC	2	08-620	Eugenia Miceli v. The Hershey Co., et al.
CAC	2	08-908	Jones Vend & OCS Distributing, Inc. v. Nestle USA, Inc., et al.
CAC	2	08-1022	C.W. Brower, Inc. v. Nestle USA, Inc., et al.
CAC	2	08-1079	Russell Traub v. Cadbury Adams Canada, Inc., et al.
CAC	2	08-1338	Craig Stephenson v. The Hershey Co., et al.
CAC	2	08-1341	Kevin Tierney v. The Hershey Co., et al.
CAC	2	08-1859	Treat America Ltd. v. Nestle USA, Inc., et al.
CALIFORNIA NORTHERN			
CAN	3	08-543	John Candido v. The Hershey Co., et al.
CAN	3	08-674	Lisa Blackwell v. The Hershey Co., et al.
MICHIGAN EASTERN			
MIE	2	08-10400	Edward S. Hesano v. The Hershey Co., et al.
NEW JERSEY			
NJ	2	08-257	D Controls, Inc. v. The Hershey Co., et al.
NJ	2	08-258	Setih E. Ellis, P.A. v. The Hershey Co., et al.
NJ	2	08-259	Marc Lavin, et al. v. The Hershey Co., et al.
NJ	2	08-272	Jonathan Benjamin v. The Hershey Co., et al.
NJ	2	08-274	Daphne Matelene v. The Hershey Co., et al.
NJ	2	08-348	Daniel Klein v. The Hershey Co., et al.
NJ	2	08-499	Ellen Widom v. The Hershey Co., et al.
NJ	2	08-502	Adrianne Shienvold v. The Hershey Co., et al.
NJ	2	08-631	Ben Lee Distributors, Inc. v. The Hershey Co., et al.
NJ	2	08-634	Julia Isenhower v. The Hershey Co., et al.
NJ	2	08-706	Isabelle Dikland v. The Hershey Co., et al.
NJ	2	08-845	Thomas Rode v. The Hershey Co., et al.
NJ	2	08-869	Royal Enterprises Corp. v. The Hershey Co., et al.
NJ	2	08-941	Weaver Nut Co. v. The Hershey Co., et al.
NJ	2	08-1003	Autry Greer & Sons, Inc., et al. v. The Hershey Co., et al.
NJ	2	08-1537	Cindy Elan-Mangano v. The Hershey Co., et al.

MDL No. 1935 - Schedule CTO-1 Tag Along Actions (Continued)

DIST. DIV. C.A. #	CASE CAPTION
NEW YORK SOUTHERN	
NYS 1 08-910	NMJ Consultant Group, Inc. v. Cadbury Adams Canada, Inc., et al.
NYS 1 08-1205	Canteen Vending Co. v. Cadbury Adams Canada, Inc., et al.
~~NYS 1 08-1548~~	~~The Candy Jar, Inc. v. Nestle Suisse S.A., et al.~~ Vacated 5/1/08
NYS 1 08-1570	VME Distributors, Inc. v. Cadbury Adams Canada, Inc., et al.
NYS 1 08-1960	Card & Party Mart II Ltd. v. Cadbury Adams Canada, Inc., et al.
PENNSYLVANIA EASTERN	
PAE 2 08-368	Canteen Co. of Utica-Rome, Inc. v. The Hershey Co., et al.
PAE 2 08-376	Donald Webster v. The Hershey Co., et al.
PAE 2 08-772	Brookshire Brothers, Ltd. v. The Hershey Co., et al.
PAE 2 08-810	Paula Wolner v. The Hershey Co., et al.
PAE 2 08-942	Pitco Foods v. Cadbury Adams Canada, Inc., et al.
PAE 2 08-1136	The Kroger Co., et al. v. Cadbury Schweppes PLC, et al.
PAE 2 08-1155	Meijer, Inc., et al. v. The Hershey Co., et al.
PAE 2 08-1182	Publix Super Markets, Inc. v. Cadbury Schweppes PLC, et al.
PAE 2 08-1223	Affiliated Foods, Inc. v. The Hershey Co., et al.
PAE 2 08-1365	CVS Pharmacy, Inc., et al. v. Cadbury Adams Canada, Inc., et al.
PENNSYLVANIA WESTERN	
PAW 2 08-414	Giant Eagle, Inc. v. The Hershey Co., et al.
TENNESSEE EASTERN	
~~TNE 2 08-51~~	~~Cyrus T.G., Inc., et al. v. The Hershey Co., et al.~~ Opposed 5/6/08
TEXAS EASTERN	
TXE 6 08-21	Lori Ann Hongach v. The Hershey Co., et al.
TXE 6 08-90	Esther Naomi Lieberman v. The Hershey Co., et al.
WISCONSIN EASTERN	
WIE 2 08-131	Debra L. Damaske, et al. v. The Hershey Co., et al.

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

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http://www.jpml.uscourts.gov

May 7, 2008

Mary E. D'Andrea, Clerk
P.O. Box 983
Harrisburg, PA 17108-0983

FILED
HARRISBURG, PA

MAY - 7 2008

MARY E. D'ANDREA, CLERK
Per

Re: MDL No. 1935 -- IN RE: Chocolate Confectionary Antitrust Litigation

(See Attached CTO-1)

Dear Ms. D'Andrea:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on April 21, 2008. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By
Deputy Clerk

Certified from the record
Date 5/7/08
Mary E. D'Andrea, Clerk
Per
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Christopher C. Conner
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: (See Attached List of Clerks)

JPML Form 36